



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,490	12/15/2003	Donald R. DuRousseau	122112.301	3803
7590	09/07/2006		EXAMINER	
Pepper Hamilton LLP Firm 21269 One Mellon Center, 50th Floor 500 Grant Street Pittsburgh, PA 15219			ROY, ANURADHA	
			ART UNIT	PAPER NUMBER
			3736	
DATE MAILED: 09/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/736,490	DUROUSSEAU, DONALD R.
	Examiner	Art Unit
	Anuradha Roy	3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 & 15-30 is/are rejected.
- 7) Claim(s) 14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/01/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

The amended Figure 1 overcomes the previous objections. Therefore, drawing objections are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13 & 15-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell (US Patent No. 4,941,477) in view of Sever, Jr. (US Patent No. 6,057,846).

Regarding claim 1, 11, 27, & 29, Farewell discloses a deception verification system, comprising:

a sensor placement unit having a plurality of sensors (the sensor placement can be viewed as the unit that the EEG electrodes are connected to and specific placements are given for the electrodes see Column 6, lines 31-43),

a digital acquisition unit that receives signals from the sensor placement unit comprising, one or multichannel amplifiers (amplifiers that have multiple inputs that can be viewed as multichannel amplifiers see Column 6, lines 44-58), one or more digital signal processing units (can be viewed as the A to D converter, see Column 6, lines 44-58), and a computing unit (element 30 in

Figure 2),

and a virtual reality system, which is defined in one embodiment by the applicant as containing one of the following: an auditory system for directing audio stimuli, a visual system for directing visual stimuli to the examinee or a haptic system for directing tactile stimuli; the device of Farwell comprises a visual system for directing visual stimuli to the examinee (see Column 5, lines 4-10), and

wherein the one or more stimuli are designed to place cognitive demands on the examinee that disrupt the examinee's ability to conceal a countermeasure used to defeat deception detection (Abstract).

However, Farewell does not teach of a system, wherein the digital acquisition unit enables **real time** selection of one or more specific stimuli for presentation to an examinee via the virtual reality system. Sever, Jr., however, teaches of a system using a real time selection for one or more specific stimuli (Abstract & Column 14, lines 8-18). It would have been obvious to one having ordinary skill in the art at the time the invention with Sever, Jr. to enable real time selection with Farewell in order to effect preconditioning of the subject's mind.

Regarding claim 17, Farewell discloses a method comprising:
stimulating one or more first senses of an examinee (see Column 5, lines 19-29),
questioning the examinee, which is the same as interrogating the individual (see Column 4, lines 19-35),

determining psychophysiological data from the examinee, (see column 3, lines 8-23),
analyzing the psychophysiological data (see Column 10, lines 1-29),
selecting one or more stimuli for presentation to the examinee, wherein the one or more first stimuli are designed to place cognitive demands on the examinee that disrupt the examinee's ability to conceal a countermeasure used to defeat deception detection (see Column 5, lines 4-18); and
determining a likelihood of deception (see abstract and entire specification).

However, Farewell does not teach of a method, analyzing the psychophysiological data in **real time**. Sever, Jr., however, teaches of a system using a real time (Abstract & Column 14, lines 8-18). It would have been obvious to one having ordinary skill in the art at the time the invention with Sever, Jr. to use real time analysis with Farewell in order to allow for instantaneous analysis of the data.

Regarding claim 30, Farwell in view of Sevy, Jr. discloses a system wherein the one or more stimuli affect one or more second senses, wherein the one or more first senses differ from the one or more second senses (see Farewell: Column 5, lines 1-18).

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anuradha Roy whose telephone number is 571-272-6169 and whose email address is anuradha.roy@uspto.gov. The examiner can normally be reached between 9:00am and 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~AR



MAX F. HINDEMBURG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700